

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 3, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Waiver #04003

**PROPOSAL:** Waive the requirement that street trees be planted within four years after the approval of the final plat. Applicant is requesting a four year extension. Reduce the surety amount for street trees associated with Highlands Business Park Original Addition.

**LOCATION:** NW 12<sup>th</sup> St. & W. Highland Blvd.

**LAND AREA:** 82.14 acres, more or less

**CONCLUSION:** Highlands Business Park Original Addition was approved by Planning Commission on June 19, 1996. The subdivision ordinance requires that street trees be planted within four years of the final plat approval.

Planting street trees on lots prior to development could result in the trees being destroyed or planted where a driveway may be located. The abutting Outlots are non buildable and when subdivided into buildable lots, street trees would be required at that time. Therefore, an extension of time for the installation of street trees is acceptable.

**RECOMMENDATION:**

Approval

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Outlot A, Highlands Business Park Original Addition and Outlot A & B, Highlands Business Park 2<sup>nd</sup> Addition; located in the SW 1/4, Section 3, the SE 1/4 Section 4, the NE 1/4 of Section 9 and the NW 1/4 of Section 10, Township 10 North, Range 6 East of the 6<sup>th</sup> P.M., Lincoln, NE

**EXISTING ZONING:** O-3 Office Park District  
I-2 Industrial Park District

**EXISTING LAND USE:** Industrial, office and undeveloped

**SURROUNDING LAND USE AND ZONING:**

North: O-3 Office	Undeveloped
P- Public	Highlands Golf Course
South: I-2 Industrial	Warehouse
East: O-3 Office	Undeveloped
R-3 Residential	Single family residential
I-2 Industrial	Storage yard
West: AG Agriculture	Railroad tracks
I-2 Industrial	Warehouse/Manufacturing

**HISTORY:**

- June 16, 2003** Highlands Business Park 3<sup>rd</sup> Addition was approved by the Planning Director.
- May 29, 2002** Highlands Business Park 2<sup>nd</sup> Addition was approved by the Planning Commission.
- February 26, 1997** Highlands Business Park 1<sup>st</sup> Addition was approved by the Planning Director.
- June 19, 1996** Highlands Business Park Original Addition was approved by the Planning Commission.
- November 6, 1995** Highlands Business Park Preliminary Plat was approved by City Council.

**ANALYSIS:**

1. This is a request to extend the time for installing street trees by four years.
2. Section 26.27.090 of the Land Subdivision ordinance requires that street trees be planted along both sides of all streets and private roadways within the subdivision and on the side of the streets and private roadways which abut the subdivision.
3. Section 26.11.040 of the Land Subdivision Ordinance requires that street trees be installed within four years of final plat approval.
4. The original final plat was approved on June 19, 1996. The streets trees were required to be planted along S.W. 12<sup>th</sup> St. and Kingbird Rd. by June 19, 2000. The developer has already exceeded the required time for installation by almost four years.

5. Highlands Business Park 1<sup>st</sup> Addition is a subdivision of Outlot B, Highlands Business Park Original Addition. With the new plat the time for installing street trees along NW 12<sup>th</sup> St. and the north side of Kingbird Road was extended to February 26, 2001; four years after approval of Highlands Business Park 1<sup>st</sup> Addition. The street trees associated with Highlands Business Park 1<sup>st</sup> Addition have been planted.
6. A surety of \$11,147.50 was posted to guarantee the installation of street trees with Highlands Business Park Original Addition. The original final plat has been subdivided three times. Highlands Business Park 1<sup>st</sup> Addition posted a surety of \$4,742.50 for street trees and Highlands Business Park 3<sup>rd</sup> Addition posted a surety of \$1,540.00 for street trees. No surety was required for Highlands Business Park 2<sup>nd</sup> Addition.
7. The applicant has requested that the surety be reduced from \$11,147.50 to \$5,915.00. The Planning Department does not object to reducing the surety because of the area having been replatted and duplicate sureties; however the amount should be changed from \$5,915.00 to \$4,865.00. ( $\$11,147.50 - \$4,742.50 - \$1,540.00 = \$4,865.00$ )
8. The lots abutting N.W. 12<sup>th</sup> St. and Kingbird Rd. that do not have street trees are platted as outlots. The outlots have been reserved for future development.
9. Direct access to SW 12<sup>th</sup> Street from the abutting outlots has been relinquished. Although this alleviates the problem of planting street trees where future driveways may be located, it may present a potential problem of maintenance of the street trees.

Prepared by:

Tom Cajka, 441-5662, [tcajka@ci.lincoln.ne.us](mailto:tcajka@ci.lincoln.ne.us)  
Planner

**DATE:** February 18, 2004

**APPLICANT:** Timothy Aschoff  
130-132 South 13<sup>th</sup> St. Suite 300  
Lincoln, NE 68501

**OWNER:** Tonn Ostergard & Robert Duncan  
130-132 South 13<sup>th</sup> St. Suite 300  
Lincoln, NE 68501

**CONTACT:** Michael Johnson  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508



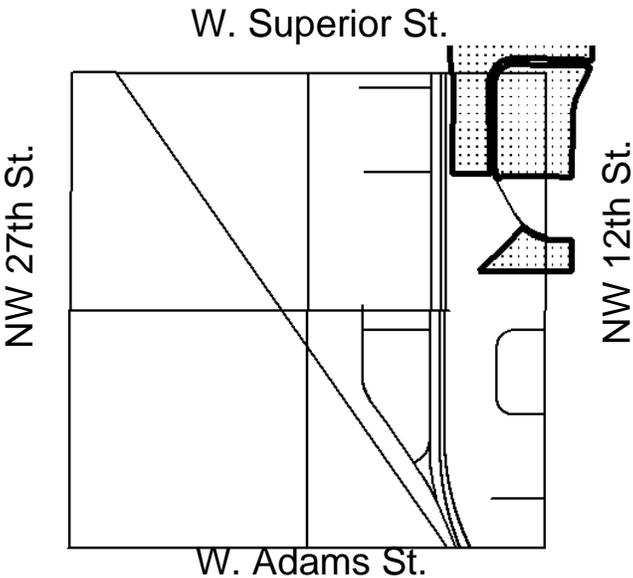
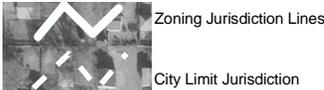
2002 aerial

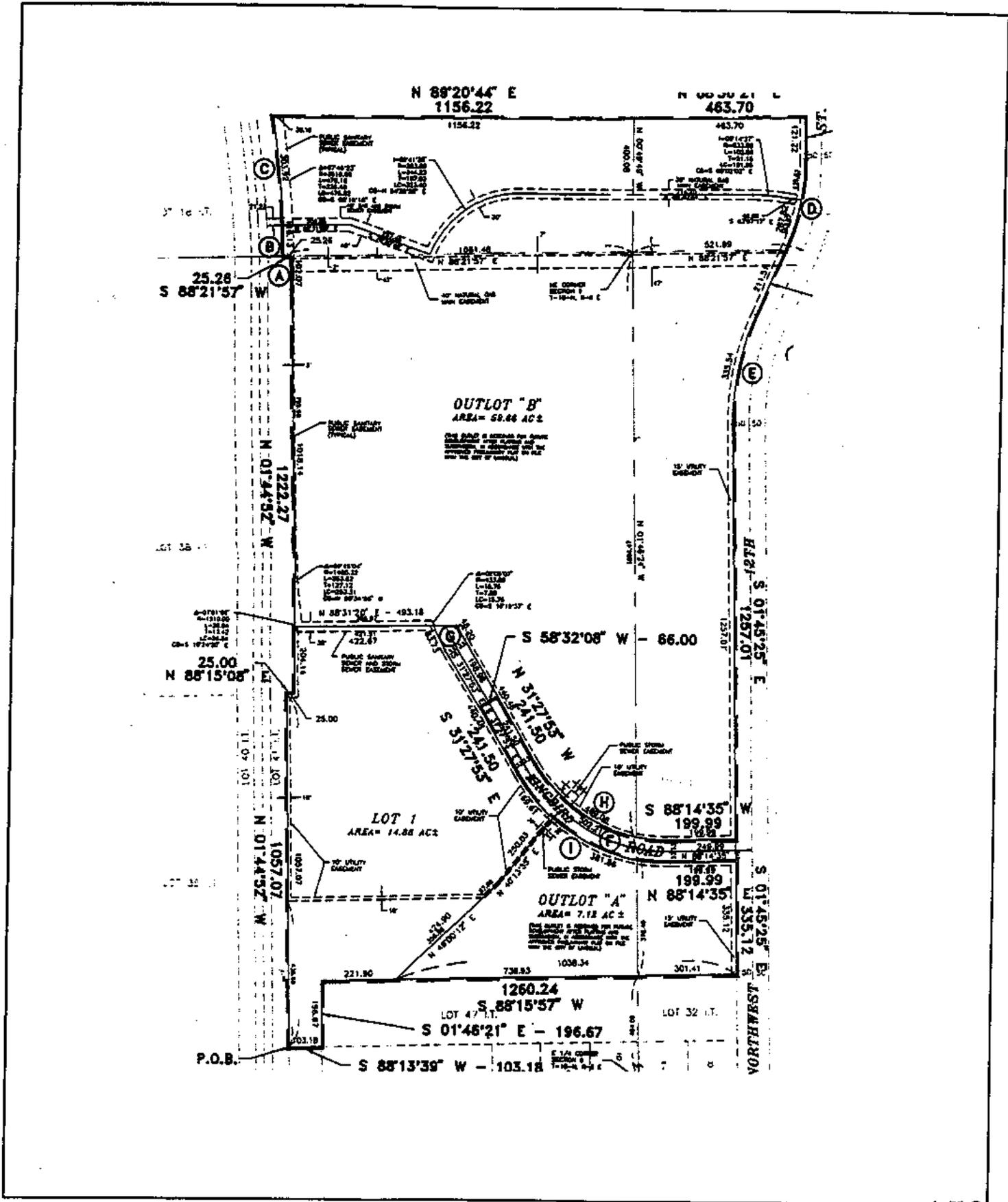
# Waiver #04003 NW 12th & Kingbird Rd.

## Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
Sec. 9 T10N R6E





**FINAL PLAT NO. 96020**  
**HIGHLANDS BUSINESS PARK ORIGINAL ADDITION**

Scale: N.T.S.



N 89°20'44" E  
1156.22

N 88°36'21" E  
463.70

**SPIRAL CURVE  
DATA**

- (A) X=102.07  
Y=0.27  
CB=N 1°54'03" W
- (B) X=116.11  
Y=2.39  
CB=N 02°47'48" W

# HIGHLANDS BUSINESS PARK 1ST ADDITION FINAL PLAT

## DEDICATION

THE FOREGOING PLAT, IS KNOWN AS HIGHLANDS BUSINESS PARK 1ST ADDITION, A SUBDIVISION COMPOSED OF OUTLOT "B" HIGHLANDS BUSINESS PARK ORIGINAL ADDITION, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, THE SOUTHEAST QUARTER OF SECTION 4, THE NORTHEAST QUARTER OF SECTION 9, AND THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 10 NORTH, RANGE 6 EAST, OF THE 6TH PM, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND IS MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE. THIS DEDICATION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED, SOLE OWNER(S), AND THE EASEMENTS SHOWN THEREON ARE HEREBY GRANTED IN PERPETUITY TO THE CITY OF LINCOLN, NEBRASKA, A MUNICIPAL CORPORATION, ALIANT COMMUNICATIONS COMPANY, TV TRANSMISSION, INC., PEOPLES NATURAL GAS, THEIR SUCCESSORS AND ASSIGNS, TO ALLOW ENTRY FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, REPAIR, OPERATION AND MAINTENANCE OF WIRES, CABLES, CONDUITS, FIXTURES, POLES, TOWERS, PIPES, AND EQUIPMENT FOR THE DISTRIBUTION OF ELECTRICITY AND GAS; TELEPHONE AND CABLE TELEVISION; WASTEWATER COLLECTORS; STORM DRAINS; WATER MAINS AND ALL APPURTENANCES THERETO, OVER, UPON, OR UNDER THE EASEMENTS AS SHOWN ON THE FOREGOING PLAT.

THE CONSTRUCTION OR LOCATION OF ANY BUILDING OR STRUCTURE, EXCLUDING FENCES, OVER, UPON, OR UNDER ANY EASEMENT SHOWN THEREON SHALL BE PROHIBITED.

THE CONSTRUCTION OR LOCATION OF ANY FENCE OR OTHER IMPROVEMENT WHICH OBSTRUCTS DRAINAGE SHALL BE PROHIBITED OVER, UPON, OR UNDER ANY STORM DRAIN EASEMENT OR DRAINAGE EASEMENT SHOWN THEREON.

THE CITY OF LINCOLN, ITS SUCCESSORS OR ASSIGNS ARE HEREBY HELD HARMLESS FOR THE COST OF REPLACEMENT OR DAMAGE TO ANY IMPROVEMENT OR VEGETATION OVER, UPON, OR UNDER ANY EASEMENT SHOWN THEREON.

THE ACCESS EASEMENTS AND THE PEDESTRIAN WAY EASEMENTS SHOWN THEREON SHALL BE USED FOR PUBLIC ACCESS AND THE PUBLIC IS HEREBY GRANTED THE RIGHT OF SUCH USE.

THE RIGHT OF DIRECT VEHICULAR ACCESS TO NORTHWEST 12TH STREET FROM LOTS ABUTTING SAID STREET(S) IS HEREBY RELINQUISHED EXCEPT AT THE LOCATION OF THE COMMON ACCESS EASEMENT AS SHOWN.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 19\_\_.

\_\_\_\_\_  
J. ROBERT DUNCAN, PRESIDENT  
DUNCAN AVIATION, INC.,  
A NEBRASKA CORPORATION

\_\_\_\_\_  
TONN M. OSTERGARD, PRESIDENT  
CRETE CARRIER CORPORATION  
A NEBRASKA CORPORATION

## CURVE DATA

- (C) Δ=05°52'32"  
R=2964.83  
L=304.05  
T=152.16  
LC=303.92  
CB=N 06°47'08" W
- (D) Δ=24°48'24"  
R=670.00  
L=290.08  
T=147.35  
LC=287.82  
CB=S 17°00'33" W
- (E) Δ=25°10'10"  
R=770.00  
L=338.25  
T=171.90  
LC=335.54  
CB=S 10°49'40" W
- (F) Δ=80°17'32"  
R=487.00  
L=481.42  
T=271.21  
LC=489.08  
CB=S 01°36'38" E
- (G) Δ=07°31'44"  
R=387.00  
L=48.23  
T=24.15  
LC=48.19  
CB=S 27°42'01" E

**OUTLOT "A"**  
AREA= 60.96 AC±  
= 2,183,138.46 SF±

**LOT 1**  
AREA= 8.32 AC±  
= 486,507.37 SF±

## PLANNING DIRECTOR'S APPROVAL

THE PLANNING DIRECTOR, PURSUANT TO SECTION 28.11.015 OF THE L.M.C., HEREBY APPROVES THIS ADMINISTRATIVE FINAL PLAT.

PLANNING DIRECTOR \_\_\_\_\_

DATE \_\_\_\_\_

XXXXX-1

SCALE: 1"=200'

12/18/1998 7:51 A.M. FILE: C:\1980S\1\MEGA\1\APP81 SCALE: 200





# Memorandum

---

<b>To:</b>	Tom Cajka, Planning Department
<b>From:</b>	Charles W. Baker, Public Works and Utilities
<b>Subject:</b>	Street Tree Waiver, Application #04003
<b>Date:</b>	February 4, 2004
<b>cc:</b>	Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application to waive the street tree requirement for Highland Business Park. Public Works has no comment.



**OLSSON ASSOCIATES**  
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

January 28, 2004

Mr. Marvin S. Krout  
Planning Director  
Planning Department  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

Re: Highlands Business Park Original Addition  
Final Plat Escrows Waiver  
OA Project No. 2-2004-0130-1-11-502

Dear Marvin:

On behalf of Mr. Robert Duncan, President of Duncan Aviation, Inc., suite 300, 130-132 South 13<sup>th</sup> Street, P.O. Box 83246, Lincoln, Ne 68501, and Mr. Tonn Ostergard, President of Crete Carrier Corporation, suite 300, 130-132 South 13<sup>th</sup> Street, P.O. Box 83246, Lincoln, Ne 68501. I hereby request a waiver to the Subdivision Ordinance and Development Standards requiring that Street Trees be planted within four (4) years following the approval of the Final Plat. We request a four (4) year extension, starting from the date of Governmental approval of this request. We also request that the bond amount be reduced from \$11,147.50 to \$5,915.00.

The reason for these requests is that this property has been re-platted twice since the original addition (1<sup>st</sup> addition and 3<sup>rd</sup> addition), two additional lots have been created, and all three lots have been sold. All fourteen (14) of the trees required for the north and east sides of King Bird Road have been planted, seven (7) of the trees required for the west and south sides of King Bird Road have been re-escrowed in the final plat for 3<sup>rd</sup> addition, this leaves seven (7) trees to be planted or bonded for a total of \$1,715.00. Along the west side of Northwest 12<sup>th</sup> Street, five (5) of the required twenty one (21) trees have been planted, this leaves sixteen (16) trees to be planted or bonded for a total of \$4,200.00. The trees that have not been planted or re-escrowed to another addition are located on Outlots reserved for future development, we plan to plant the remaining trees once the Lots have been re-platted to build-able Lots.

Enclosed is the completed City of Lincoln Zoning Application form and a check in the amount of \$125.00 for the Application fee. Please contact me if you have any questions or require additional information.

Sincerely,

  
Michael R. Johnson, R.L.S.

Encls.

cc: Robert Duncan      Tonn Ostergard      Timothy Aschoff      Nina Veinovich

